

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY SALTALAMACCHIA,	:	
Plaintiff	:	CIVIL ACTION NO.: 3:14-CV-0868
	:	(Judge Nealon)
v.	:	(Magistrate Judge Mehalchick)
	:	
	:	
JOHN WENTZEL, <u>ET AL.</u> ,	:	
Defendants	:	

ORDER

AND NOW, THIS 30TH DAY OF SEPTEMBER, 2016, in accordance
with the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Mehalchick's Report and Recommendation, (Doc. 61), is **ADOPTED** in part and **REJECTED** in part.
2. Plaintiff's objection, (Doc. 62), is **SUSTAINED** to the extent that he seeks leave to amend his equal protection claims under the Fourteenth Amendment.
3. Defendant's motion to dismiss, (Doc. 46), is **GRANTED** in part and **DENIED** in part.
4. Defendant's motion to dismiss, (Id.), is **GRANTED** to the extent it seeks to dismiss Plaintiff's amended complaint, (Doc. 17), for being in violation of Federal Rule of Civil Procedure 20.
5. As a result, Plaintiff's amended complaint, (Id.), is **DISMISSED WITHOUT PREJUDICE** for failure to comply with Federal Rule of Civil Procedure 20.
6. Plaintiff is granted leave to file a second amended complaint within thirty (30) days from the date of this Order that complies with Federal Rules of Civil Procedure 8(d)(1) and 20(a).

7. Plaintiff's second amended complaint must stand by itself as an adequate complaint without any reference to the two pleadings already filed. Young v. Keohane, 809 F. Supp. 1185 (M.D. Pa. 1992). Moreover, Plaintiff's second amended complaint, if any, should not include any new claims.
8. While Plaintiff's 42 U.S.C. § 1983 claims alleging violations of his Fourteenth Amendment right to equal protection are **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted, Plaintiff is granted leave to amend those claims consistent with this Order and accompanying Memorandum.
9. To the extent Defendants move to dismiss a number of Plaintiff's claims on the grounds that they are time barred, unexhausted, and that he has failed to state a claim for supervisory liability, those portions of the motion to dismiss, (Docs. 46-47), will be **DENIED WITHOUT PREJUDICE** to Defendants reasserting these defenses against Plaintiff's second amended complaint or new complaint filed in response to this Order and accompanying Memorandum.
10. The above-captioned matter is remanded to Magistrate Judge Mehalchick for further proceedings.

/s/ William J. Nealon
United States District Judge